

REMARKS

Applicant has carefully reviewed the Office Action mailed on November 12, 2008. Applicant respectfully traverses (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claims 1, 3-5, and 28 are amended. No new matter is added. Please cancel claims 2 and 6-9 without prejudice. Claims 1, 3-5, 10-16 and 28 remain pending.

Claim Objections

Claim 28 was objected to because of informalities. In particular, the Examiner indicated that claim 28 recites that distal end region of the first tubular member extends distally beyond the distal end region of the second tubular member whereas in the other claims the second tubular member extends distally beyond the first tubular member. For the sake of continuity, the Examiner indicated that Applicant may want to amend this claim. Claim 28 is amended as recommended. Applicant notes that claim 28 is not rejected in view of any art reference and is presumed to be in condition for allowance.

Claim Rejections under 35 U.S.C. §102

Claims 1, 2, 8, 9, 13, 14 and 27 were rejected under 35 U.S.C. §102(b) as being anticipated by Banka in U.S. Patent No. 4,299,226. Claims 2 and 8-9 are now canceled rendering the rejection thereof moot. Applicant notes that claim 27 is currently withdrawn from consideration. It is assumed that the Examiner intended to reject claim 28 on this basis and the following comment will address that rejection.

Regarding claims 1, 13 and 14, claim 1 has been amended to recite:

1. An intravascular catheter, comprising:
 - a first tubular member having an inner wall surface, a proximal end region, a distal end region, and a first lumen extending at least partially therethrough;
 - a second tubular member coupled to the first tubular member, the second tubular member having an outer wall surface, a proximal end region, a distal end region, and a second lumen extending at least partially therethrough;
 - wherein a portion of the outer wall surface of the second tubular member is bonded to a portion of the inner wall surface of the first tubular member;
 - wherein the distal end region of the second tubular member extends about ten centimeters or more distally beyond the distal end region of the first tubular member; and
 - a microcatheter disposed in the second lumen.

Banka does not teach or suggest each and every limitation of amended claim 1. For example, Banka does not teach or suggest that a portion of the outer wall surface of the second tubular member is bonded to a portion of the inner wall surface of the first tubular member. The guide catheter 100 and the dilating catheter 200 in Banka are not bonded at all, let alone in the claimed manner. Furthermore, Banka does not teach or suggest a microcatheter disposed in the second lumen. Based on these distinctions, Applicant respectfully submits that amended claim 1 is patentable over Banka. Because claims 13 and 14 depend from claim 1, they are patentable based on these amendments and because they add significant elements to distinguish them further from the art.

Regarding claim 28, this claim is similarly amended to recite securing the inner wall surface of the first tubular member and the outer wall surface of the second tubular member. For reasons similar to those set forth above in relation to claim 1, Applicant respectfully submits that this amendment distinguishes claim 28 from the cited art.

Claim Rejections under 35 U.S.C. §103

Claims 1-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lee in U.S. Patent No. 5,368,567 in view of Banka. Claims 2 and 6-7 are now canceled. Claims 3-5 are amended to be consistent with claim 1.

Regarding claims 1 and 3-5, claim 1 is amended as described above. Lee does not teach or suggest all the limitations of amended claim 1. For example, Lee does not teach or suggest a microcatheter disposed in the second lumen (of the second tubular member). Instead, the "second tubular member" (e.g., tube 12) is a balloon catheter. Consequently, not only does Lee fail to teach the claimed invention, Lee teaches away from including a microcatheter in the second lumen because the Lee device already includes a balloon catheter. Banka fails to overcome the shortcomings of Lee. Based on the forgoing comments, Applicant respectfully submits that amended claim 1 is patentable over the combination of Lee and Banka, to the extent that such a combination is even possible. Because claims 3-5 depend from claim 1, they are also patentable for the same reasons as claim 1 and because they add significant elements to distinguish them further from the art.

Claims 10-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Banka in view of Griffin et al. in U.S. Patent Pub. No. 2003/0093059 or Lee in view of Banka in view of

Griffin et al. For the reasons set forth above, Applicant respectfully submits that amended claim 1 is patentable over Banka as well as Lee in view of Banka. Griffin et al. do not remedy the shortcomings of Banka and/or Lee in view of Banka. Consequently, Applicant respectfully submits that amended claim 1 is patentable over the combinations of Banka and Griffin et al. and/or Lee, Banka, and Griffin et al., to the extent that such combinations are even possible. Because claims 10-12 depend from claim 1, they are also patentable for the same reasons as claim 1 and because they add significant elements to distinguish them further from the art.

Claims 15-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Banka in view of Belden in U.S. Patent No. 5,409,455 or Lee in view of Banka in view of Belden. For the reasons set forth above, Applicant respectfully submits that amended claim 1 is patentable over Banka as well as Lee in view of Banka. Belden does not remedy the shortcomings of Banka and/or Lee in view of Banka. Consequently, Applicant respectfully submits that amended claim 1 is patentable over the combinations of Banka and Belden and/or Lee, Banka, and Belden, to the extent that such combinations are even possible. Because claims 15-16 depend from claim 1, they are also patentable for the same reasons as claim 1 and because they add significant elements to distinguish them further from the art.

Conclusion

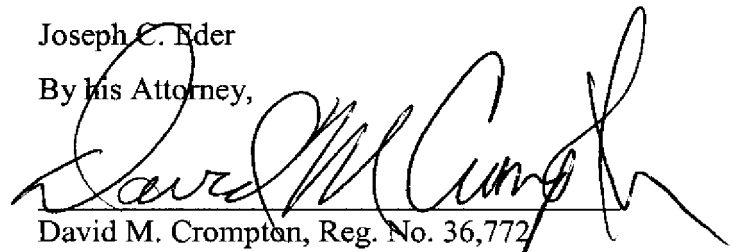
Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Date: 2/11/09

Respectfully submitted,

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